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ASSEMBLIES OF GOD, NORTHERN CALIFORNIA AND

NEVADA DISTRICT COUNCIL, INC., DAVID L. CHILDERS,

BRET L. ALLEN and JAY A. HERNDON

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

BRUCE A. MORRIS, an individual, CITY  
COMMUNITY CHURCH INC., fka  
CALVARY COMMUNITY ASSEMBLY OF  
GOD, INC., a Nevada Corporation; TOM  
LUKER, individually and on behalf of all  
those similarly situated; REYNALDO  
MONTENEGRO, individually and on behalf  
of all this similarly situated,

Plaintiffs,

vs.

THE GENERAL COUNCIL OF THE  
ASSEMBLIES OF GOD, a Foreign  
Corporation; ASSEMBLIES OF GOD,  
NORTHERN CALIFORNIA AND NEVADA  
DISTRICT COUNCIL, INC., a Foreign  
Corporation; DAVID L. CHILDERS, an  
individual; BRET L. ALLEN, an individual;  
JAY A. HERNON, an individual; DOE  
Individuals I through X, and Roe Companies I  
through X, inclusive,

Defendants.

CASE NO.: 2:24-cv-00362-MMD-EJY

**STIPULATION AND ORDER TO  
STAY DISCOVERY PENDING COURT  
DISPOSITION OF DEFENDANTS'  
MOTION FOR JUDGMENT ON THE  
PLEADINGS**

**(First Request to Stay)**

1 Plaintiffs, BRUCE A. MORRIS, CITY COMMUNITY CHURCH INC., fka CALVARY  
2 COMMUNITY ASSEMBLY OF GOD, INC., TOM LUKER, and REYNALDO MONTENEGRO,  
3 (collectively referred to herein as “Plaintiffs”), by and through counsel, Francis Arenas, Esq. and  
4 Alexander Adrian, Esq. of Olson Cannon & Gormley, and Defendant, THE GENERAL COUNCIL  
5 OF THE ASSEMBLIES OF GOD, ASSEMBLIES OF GOD (hereinafter referred to as the “General  
6 Council”), by and through its counsel, John S. Delikanakis, Esq. and Erin Gettel, Esq. of Snell &  
7 Wilmer LLP and Defendants, NORTHERN CALIFORNIA AND NEVADA DISTRICT COUNCIL,  
8 INC., DAVID L. CHILDERS, BRET L. ALLEN, and JAY A. HERNDON (collectively referred to  
9 as the “District Council Defendants”), by and through counsel, Edgar Carranza, Esq. and Tiffanie  
10 Bittle, Esq. of MESSNER REEVES, LLP, hereby stipulate stay all discovery activities and related  
11 deadlines pending the resolution of Defendants’ Motion for Judgment on the Pleadings as follows:  
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14 WHEREAS, the Defendants, General Council and District Council Defendants filed a Joint  
15 Motion for Judgment on the Pleadings on May 9, 2024, which has not yet been set for hearing;  
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17 WHEREAS, the Defendants’ Joint Motion for Judgment on the Pleadings could potentially  
18 resolve the entire case as to all Parties, making any discovery conducted prior to such resolution a  
19 waste of time and resources;  
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21 WHEREAS, the Parties wish to avoid incurring the significant effort and expense that moving  
22 forward with formal discovery would require pending the hearing and decision regarding Defendants’  
23 Joint Motion for Judgment on the Pleadings; and

24 WHEREAS, the Parties agree that good cause exists for the entry of the foregoing Stipulation  
25 and Order.

26 THEREFORE, the Parties hereby stipulate and agreed as follows:  
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1           1.       Plaintiffs filed their Amended Renewed Class Action Complaint on January 30, 2024,  
2 in the Eighth Judicial District Court.

3           2.       On February 23, 2024, Defendants filed their Joint Petition for Removal of this action  
4 to this Court for federal question jurisdiction pursuant to 28 U.S.C. 1331, 1441 and 1446 [Doc No.  
5 1]. Plaintiffs did not oppose this petition.

6           3.       On March 6, 2024, this Court entered a Stipulation and Order to Extend the Time for  
7 Defendants to Answer Plaintiffs' Amended Complaint [Doc. No. 12].

8           3.       On April 15, 2024, Defendants Assemblies of God, Northern California and Nevada  
9 District Council, Inc., David L. Childers, Bret L. Allen, and Jay A. Herndon filed their Answer to  
10 Plaintiffs' Amended Renewed Class Action Complaint [Doc No. 19].

11           4.       Also on April 15, 2024, Defendant, The General Council of the Assemblies of God  
12 filed its Answer to Plaintiffs' Amended Renewed Class Action Complaint [Doc No. 20].

13           5.       On May 9, 2024, Defendants filed a Joint Motion for Judgment on the Pleadings [Doc.  
14 No. 23].

15           6.       On May 23, 2024, Plaintiffs filed an Opposition to Defendants' Joint Motion for  
16 Judgment on the Pleadings [Doc. No. 24].

17           7.       The briefing schedule on Defendants' Joint Motion for Judgment on the Pleadings has  
18 not yet been completed and no hearing has been set by this Court to consider the same.

19           8.       The Parties have not yet completed the mandatory FRCP 26(f) conference and  
20 discovery has not yet begun; therefore, no discovery deadlines or trial date have yet been set.

21           9.       The Parties therefore stipulate and agree to stay discovery pending the order disposing  
22 of Defendants' Joint Motion for Judgment on the Pleadings.

23           10.      The Parties further stipulate and agree that within 14 days of the entry of the order  
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1 regarding Defendants' motion, if this matter is not fully disposed of as to all claims and parties  
2 following the resolution of Defendants' Joint Motion for Judgment on the Pleadings, the remaining  
3 Parties shall complete the mandatory FRCP 26(f) Conference and submit the proposed Joint  
4 Discovery Plan and Scheduling Order for this Court's consideration.

5           11.     Thereafter, the Parties will resume the regular discovery procedure and comply with  
6 all deadlines and requirements.  
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8           12.     The Parties further request a hearing before this Court so that the Court and the Parties  
9 can determine the most efficient manner to proceed.

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DATED this 31<sup>st</sup> day of May, 2024.

**MESSNER REEVES LLP**

By: /s/ Edgar Carranza  
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Council, Inc., David L. Childers,  
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DATED this 31<sup>st</sup> day of May, 2024.

**OLSON CANNON GORMLEY**

By: /s/ Alexander Adrian  
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DATED this 31<sup>st</sup> day of May, 2024.

**SNELL & WILMER LLP**

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Council of the Assemblies of God*

**ORDER**

IT IS HEREBY ORDERED that the Stipulation to Stay Discovery Pending Court Disposition of Defendants' Motion for Judgment on the Pleadings (ECF No. 27) is GRANTED.

IT IS FURTHER ORDERED that discovery is stayed pending the Court's resolution of Defendants' Motion for Judgment on the Pleadings.

IT IS FURTHER ORDERED that if the Order addressing Defendants' Motion for Judgment on the Pleadings does not resolve this case in its entirety, the parties must file a proposed discovery plan and scheduling order within 14 days after such Order is issued.

  
UNITED STATES MAGISTRATE JUDGE

Dated: May 31, 2024